

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

TOOLCHEX, INC.,	)	
	)	
Plaintiff,	)	
	)	Civil No. 3:08-CV-00236-JRS
v.	)	
	)	Chief Judge James R. Spencer
PATRICK J. TRAINOR,	)	
	)	
Defendant.	)	
	)	

**PRELIMINARY INJUNCTION ORDER**

THIS CAUSE comes before the Court upon Plaintiff's Motion for a Preliminary Injunction, it appearing to the Court: (1) that Plaintiff has demonstrated a likelihood of success on the merits of its trademark infringement and unfair competition claims; (2) that Plaintiff will suffer irreparable injury and has no adequate remedy at law; (3) that Defendant will suffer no legally cognizable harm sufficient to outweigh the harm to Plaintiff; and (4) that the public interest is served by protecting Plaintiff's trademark rights and granting a preliminary injunction in this matter; the Court finds good cause for the injunctive relief that Plaintiff seeks.

Accordingly, **IT IS ORDERED** that Plaintiff's Motion for Preliminary Injunction be and hereby is **GRANTED**, and it is further **ORDERED** that:

1. Defendant, his agents, attorneys, servants, employees, successors or assigns, and all persons or companies in active concert or participation with him, are preliminarily enjoined from using TOOLCHEX, or any colorable imitation thereof, or any other service marks, trademarks, trade names, designations, slogans, designs or indicia that are likely to cause confusion or mistake or to deceive with respect to Toolchex, Inc., its services or its business; and

2. Defendant, his agents, attorneys, servants, employees, successors, or assigns, and all persons or companies in active concert or participation with him, are preliminarily enjoined from representing by any means whatsoever, directly or indirectly, or doing any other acts or things calculated or likely to cause confusion or mistake, or to deceive consumers into believing that Defendant's products and services are the services or products of Plaintiff or that there is any affiliation or connection between Plaintiff or its products and services and Defendant or his products and services, and from otherwise unfairly competing with Plaintiff; and

3. Defendant shall file with this Court and serve upon Plaintiff not later than seven (7) business days after service upon Defendant of this Preliminary Injunction Order, a written statement signed by Defendant, under oath, setting forth in detail the manner in which Defendant has complied with this preliminary injunction; and

4. Plaintiff shall file with the Clerk, not later than seven (7) business days after the date of this Order, an undertaking as security for such costs and damages as the court may order hereafter if it determines that Defendant was wrongfully enjoined.

**SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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UNITED STATES DISTRICT JUDGE